

53.18 Manner of preserving ballot and application — review of affidavit — replacement ballots.

1. When the return envelope containing the completed absentee ballot is received by the commissioner, the commissioner shall at once record receipt of such ballot. Absentee ballots shall be stored in a secure place until they are delivered to the absentee and special voters precinct board.

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general elections and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall review the affidavit marked on the return envelope, if applicable, for completeness or shall open the return envelope to review the affidavit for completeness. If the affidavit lacks the signature of the registered voter, the commissioner shall, within twenty-four hours of the receipt of the envelope, notify the voter of the deficiency and inform the voter that the voter may vote a replacement ballot as provided in [subsection 3](#), cast a ballot as provided in [section 53.19, subsection 3](#), or complete the affidavit in person at the office of the commissioner not later than the time polls close on election day.

3. If the affidavit envelope or the return envelope marked with the affidavit contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under [section 53.17, subsection 2](#). For the purposes of [this section](#), a return envelope marked with the affidavit shall be considered to contain a defect if it appears to the commissioner that the signature on the envelope has been signed by someone other than the registered voter, in comparing the signature on the envelope to the signature on record of the registered voter named on the envelope. A signature or marking made in accordance with [section 39.3, subsection 17](#), shall not be considered a defect for purposes of [this section](#). The voter may request a replacement ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The envelope marked with the affidavit and containing the completed replacement ballot shall be marked "Replacement ballot". The envelope marked with the affidavit and containing the original ballot shall be marked "Defective" and the replacement ballot shall be attached to such envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding [sections 53.26 and 53.27](#).

4. For the purposes of [this section](#), a return envelope marked with the affidavit shall be considered incomplete if the affidavit lacks the registered voter's signature. A signature or marking made in accordance with [section 39.3, subsection 17](#), shall not cause an affidavit to be considered incomplete.

5. The state commissioner of elections shall adopt rules for implementation of [this section](#).
[SS15, §1137-h, -i; C24, 27, 31, 35, 39, §944; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.18]

89 Acts, ch 136, §52; 91 Acts, ch 129, §20; 2002 Acts, ch 1134, §67, 115; 2007 Acts, ch 215, §229; 2009 Acts, ch 57, §65; 2010 Acts, ch 1026, §13; 2014 Acts, ch 1101, §20, 32; 2017 Acts, ch 110, §31, 35, 36; 2021 Acts, ch 12, §58, 59, 73

Referred to in §9E.6, 53.17, 53.19, 53.25, 53.49

Subsection 2 amended

NEW subsection 4 and former subsection 4 renumbered as 5